

***MARYLAND DEPARTMENT OF PUBLIC SAFETY &
CORRECTIONAL SERVICES***



***OFFICE OF LEGISLATIVE AFFAIRS
2015 ANNUAL LEGISLATIVE REPORT***

SECRETARY STEPHEN T. MOYER





Department of Public Safety and Correctional Services

Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • www.dpscs.maryland.gov

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May 8, 2015

Monday, April 13th marked the end of the 2015 Legislative Session. This session was particularly notable, as the Maryland General Assembly consisted of one of the largest freshman classes in decades. Senate and House standing committees were entirely different, but the fast-paced approach of legislative processes stayed the same.

The Department submitted two pieces of legislation, which were both passed by the legislature and will be signed into law. This report includes summaries of these two Departmental bills, a summary of the Department's Fiscal Year 2016 budget, as well as summaries of other impactful pieces of legislation that will be signed into law. For your convenience, the impactful pieces of legislation are broken down by category. The report also includes language from the 2016 Joint Chairmen's Report that depicts information the Department is obligated to submit to the Maryland General Assembly. I hope this report is useful and informative.

We accomplished a lot this session and this is a direct result of the efforts and cooperation of all of you. We received a high volume of requests for information and fiscal note requests on bills, with tight deadlines that required a quick turnaround in response. With everyone's help and due diligence we were able to provide accurate data and analyses on time. These efforts were critical in identifying potential impacts and ensuring the inclusion of our Departmental perspective on important issues.

I would also like to thank Kevin Loeb, who served as Director during the 2015 Legislative Session, for all of his hard work and dedication. Again, I sincerely appreciate everyone's input and assistance over the past several months. I look forward to working with everyone over the summer/fall in preparation for the 2016 Legislative Session. Of course, please contact me if I can be of any assistance.

Sincerely,

Rachel Sessa
Director

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2015 Departmental Bills Passed

HB 1237 - Police and Correctional Training Commissions - Applicants - Criminal History Records Checks

This legislation would allow the Maryland Police and Correctional Training Commissions (PCTC) to receive Federal and State criminal history record information directly from the Criminal Justice Information System (CJIS) for all applicants who seek to receive certification through PCTC, including all correctional officers, law enforcement officers, and specified Department of Juvenile Services employee applicants. The bill will bring the Department into compliance with federal regulations.

The bill takes effect July 1, 2015.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb1237&stab=01&pid=billpage&tab=subject3&ys=2015RS>)

HB 1279 – Criminal Procedure - Criminal Justice Information Advisory Board - Members

This bill would modify current statutory language to reflect current Board composition by eliminating the “Director of the Maryland Justice Analysis Center” and replacing it with a Director or Chair of a Criminology program at a college or university in the State of Maryland. The Maryland Justice Analysis Center is now under GOCCP and GOCCP already has a member on the Advisory Board. Therefore, this bill will ensure the Board still has representation from the academic field.

The bill takes effect October 1, 2015.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb1279&stab=01&pid=billpage&tab=subject3&ys=2015RS>)

2016 Budget Overview

Developing the budget is an executive function, but its enactment is contingent upon its passage in bill form through the legislature. Specifically, the Governor crafts the budget, with supervision and guidance from the Department of Budget and Management, and submits it to the Maryland General Assembly. The budget contains Appropriations for each agency, including the Department of Public Safety and Correctional Services (DPSCS), Deficiency appropriations that provide additional funding for expenses in the current fiscal year, as well as other pertinent appropriations. The legislature may reduce or restrict particular appropriations contained in the budget; however, they cannot add money to the budget. The Governor may also introduce a supplemental budget to reduce or increase the budget. This supplemental budget may only be attached to the budget through consent of the legislature.

For Fiscal Year 2016, Governor Larry Hogan submitted a budget that proposed to fully address the estimated \$650 million general fund structural deficit. Agencies will be absorbing 2% general fund reductions of \$113.0 million and \$118.0 million, respectively, in fiscal 2015 and 2016. DPSCS' share of the 2% general fund reduction equals approximately \$24.0 million.

Governor Hogan submitted three supplemental budgets that restored funding to several entities. The second supplemental budget proposed allocating an additional \$11.0 million towards DPSCS to address the deficiency in the Fiscal Year 2015. Ultimately, the legislature chose to reject this supplemental budget. The legislature did fence off approximately \$10.0 million within the Department of Health and Mental Hygiene's allocation to address DPSCS's FY15 deficiency.

While general fund reductions can be challenging, DPSCS will work diligently in meeting the 2% goal. Additional information on the budget and the budgetary process can be found on the Department of Legislative Services website, available at: <http://mgaleg.maryland.gov/>.

Bills Affecting Personnel, Procurement and Construction

HB 79/SB 104 - Correctional Officers' Retirement System - Membership and Eligibility for Retirement

This bill repeals a requirement that a member of the Correctional Officers' Retirement System (CORS) serve at least the final five years before retirement in a CORS-eligible position in order to qualify for a normal (20-year) service retirement under CORS. It also clarifies that a vested member of CORS may retire at age 55. Finally it allows correctional officers who are members of the Employees' Retirement System (ERS) on June 30, 2014, and are employed as security chiefs, facility administrators, assistant wardens, or wardens to join CORS and transfer their service credit from ERS to CORS if they continue serving in those positions on July 1, 2015. The transfers must be completed within six months and, with specified exceptions, must be done in accordance with Title 37 of the State Personnel and Pensions Article. The State Retirement Agency (SRA) is required to grant a waiver to specified provisions of Title 37 if it is necessary to transfer service credit.

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Correctional Officers' Retirement System - Membership and Eligibility for Retirement* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 23 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0009/hb0079.pdf)

SB 604/HB 229 - Human Relations - Employment Discrimination - Protection for Interns

This bill extends prohibitions against specified discriminatory acts to include acts against “interns” and applicants for internships.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Human Relations - Employment Discrimination - Protection for Interns* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 23 March 2015. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb00604.pdf)

SB 286/ HB 659 - Law Enforcement Officers' Pension System - Division of Parole and Probation - Warrant Apprehension Unit Employees – Membership

This bill requires that employees of the Warrant Apprehension Unit (WAU) in the Department of Public Safety and Correctional Services (DPSCS) who have the powers granted by statute to a peace officer or police officer are members of the Law Enforcement Officers' Pension System (LEOPS) as a condition of their employment. It also gives current WAU employees who have

the powers of a peace officer or police officer six months to elect to transfer to LEOPS and sets forth conditions for those transfers.

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Law Enforcement Officers' Pension System - Division of Parole and Probation - Warrant Apprehension Unit Employees – Membership – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 18 February 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0006/sb0286.pdf)

SB 793 - State Personnel - Automatic Step Increases - Standard Pay Plan

This emergency bill establishes that regulations adopted by the Secretary of Budget and Management related to the Standard Pay Plan must include certain elements that reflect current practice. Specifically, regulations must provide for automatic increases, from minimum to maximum steps in a pay grade, of the pay rates set by the Standard Pay Plan for an employee whose overall performance is rated “satisfactory” or above on the employee’s annual performance appraisal form.

The bill takes effect upon enactment.

(Maryland Gen. Assembly. Dept. of Legis. Services. *State Personnel - Automatic Step Increases - Standard Pay Plan – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 7 April 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0003/sb0793.pdf)

SB 189/ HB 200 - State Correctional Facilities - Correctional Officers - Polygraph Examination

This bill requires, rather than authorizes, that an applicant for a position as a State correctional officer be subject to a polygraph examination before being appointed to the position.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *State Correctional Facilities - Correctional Officers - Polygraph Examination – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 9 February 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0009/sb0189.pdf)

SB 342/HB 158 - State Personnel and Procurement - Service Contracts - Reporting and Audit Requirements

This bill requires an Executive Branch agency that seeks to enter into a service contract that is not exempt from the explicit preference in State law to use State employees to provide services to provide the exclusive representative of employees who may be affected by the contract with a reasonable opportunity to meet and discuss alternatives to the proposed contract. It further specifies that nonexempt service contracts are subject to legislative audits that must be completed before the contract expires to determine compliance with requirements; the audit

findings must be made available to the public. Executive Branch units with independent personnel management systems must adopt rules and regulations similar to those in the bill.
The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *State Personnel and Procurement - Service Contracts - Reporting and Audit Requirements* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 23 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0003/sb0342.pdf)

SB 618 - Public Safety - Retired Law Enforcement Officer Identification Card

This bill requires a law enforcement agency to provide a retiring law enforcement officer with an identification card within 45 days after the officer's retirement from the agency if the officer (1) meets specified requirements and (2) pays the fee set by the issuing agency.
The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Retired Law Enforcement Officer Identification Card* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 17 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0008/sb0618.pdf)

SB 350/HB 243 - Procurement - Veteran-Owned Small Business Enterprises - Participation Goal

This bill raises the annual contract award goal for Executive Branch agencies under the Veteran-Owned Small Business Enterprise (VSBE) program from 0.5% to 5.0% of the total dollar value of their procurement contracts.
The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Procurement - Veteran-Owned Small Business Enterprises - Participation Goal* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 11 February 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0000/sb0350.pdf)

SB 453 - Public-Private Partnership Agreements - Construction Contracts - Security Requirements

This bill clarifies that the amount of payment security and any performance security in the form of a performance bond submitted for construction contracts under a public-private partnership (P3) must be established on the value of the respective construction elements and not on the total value of the P3 agreement.
The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public-Private Partnership Agreements - Construction Contracts - Security Requirements* – Fiscal and Policy Note. Annapolis:

Department of Legislative Services, 2015. Maryland General Assembly. 27 March 2015.
Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0003/sb0453.pdf

Bills Affecting Communications

SB 444/HB 83 - Public Records - Inspection

This bill establishes that under the Public Information Act (PIA), an official custodian is required to designate types of public records of the governmental unit that are to be made available to any applicant immediately on request, and to maintain a current list of the types of public records that have been so designated. The bill also repeals the requirement that an applicant may not receive a copy of a judgment until the time for appeal expires or the appeal is dismissed or adjudicated. *The bill takes effect October 1, 2015.*

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Records - Inspection* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 12 February 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0004/sb0444.pdf)

SB 852/ HB 674 - Public Information Act - List of Contact Information for Governmental Unit Representatives

This bill requires each governmental unit that maintains public records to identify a representative who a member of the public may contact to request a public record and to maintain and publish specified contact information in a user-friendly format on the governmental unit's website. The governmental unit must also submit the contact information to the Office of the Attorney General (OAG). OAG must post the contact information in a user-friendly format on the OAG website and include the contact information in any Public Information Act Manual published by OAG.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Information Act - List of Contact Information for Governmental Unit Representatives* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 23 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0006/sb0852.pdf)

SB 695/HB 755 - General Provisions - Public Information Act - Enforcement, Fees, and Exemptions

This bill establishes the State Public Information Act Compliance Board and the Office of Public Access Ombudsman. The bill specifies the board's membership and the duties of the board and ombudsman, including enforcement of the Maryland Public Information Act (MPIA). The board must report to the Governor and General Assembly by October 1 of each year. The Office of the Attorney General (OAG) must staff and provide office space for the board and the ombudsman. By December 31, 2016, OAG must also, after consultation with specified entities, report to the Governor and General Assembly on findings and recommendations for improving the implementation of MPIA. The bill also alters provisions of MPIA related to public record inspections.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *General Provisions - Public Information Act - Enforcement, Fees, and Exemptions*— Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 7 April 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0005/sb0695.pdf)

Bills Affecting CJIS

SB 261/HB 189 - Public Safety - Handgun Permit Background Investigation - Armored Car Company Employees

This bill authorizes the Secretary of State Police to accept a criminal background investigation performed on behalf of an armored car company in place of the State and national criminal history records check performed by the Criminal Justice Information System for a handgun permit application for an employee of the company if (1) the investigation meets minimum requirements established by the Department of State Police (DSP) and (2) the Secretary performs a cursory check to verify the facts listed in the investigation.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Handgun Permit Background Investigation - Armored Car Company Employees* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 5 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0001/sb0261.pdf)

SB 652/ HB 306 - Criminal Procedure - Expungement of Records

This bill limits the prohibitions on expungement of a police, court, or other record by establishing that a person is not entitled to expungement only if (1) the person's petition for expungement is based on the entry of probation before judgment, a stet, a stet with the requirement of drug or alcohol abuse treatment, a finding of not criminally responsible, or the grant of a pardon by the Governor and (2) the person has subsequently been convicted of a crime (other than a minor traffic violation or a crime where the act on which the conviction was based

is no longer a crime) or is a defendant in a criminal proceeding. The bill expands eligibility for expungement by repealing the existing statutory prohibition on expungement of a police, court, or other record if (1) the petition for expungement is based on a nolle prosequi, a nolle prosequi with the requirement of drug or alcohol treatment, or a conviction for one of a list of specified crimes and (2) the person to whom the petition applies has subsequently been convicted of a crime (other than a minor traffic violation) or is a defendant in a criminal proceeding.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Expungement of Records* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015.

Maryland General Assembly. 5 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0002/sb0652.pdf)

SB 87/HB 131 - Criminal Procedure - Transfer to Juvenile Court - Petition for Expungement

This bill requires that a petition for expungement of a criminal charge that has been transferred to the juvenile court be filed in the court of original jurisdiction from which the order of transfer was entered (the adult criminal court).

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Transfer to Juvenile Court - Petition for Expungement* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 30 January 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0007/sb0087.pdf)

SB 651/ HB 124 - Criminal Procedure - Expungement - Conviction of a Crime That Is No Longer a Crime

This bill expands eligibility for expungements to persons convicted of a crime that is no longer a crime.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Expungement - Conviction of a Crime That Is No Longer a Crime* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 17 February 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0001/sb0651.pdf)

SB 391 - State Board of Morticians and Funeral Directors - Licenses, Permits, and Registrations - Processes and Criminal History Records Checks

This bill requires applicants for a license, permit, or registration issued by the State Board of Morticians and Funeral Directors (except for registration of crematory operators or permits to operate a crematory) to either (1) submit to a State and national criminal history records check (CHRC) or (2) submit to the board a CHRC conducted by a board-approved accredited agency. The board is prohibited from issuing a license, permit, or registration without receipt of the required CHRC information. The bill specifies considerations the board must take when

determining whether to grant a license, permit or registration on receipt of the CHRC information.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *State Board of Morticians and Funeral Directors - Licenses, Permits, and Registrations - Processes and Criminal History Records Checks* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015.

Maryland General Assembly. 30 March 2015. Available at:
http://mgaleg.maryland.gov/2015RS/fnotes/bil_0001/sb0391.pdf)

Bills Affecting PCTC

SB 860 – Public Safety - Eyewitness Identification – Procedures

This bill requires, by January 1, 2015, each law enforcement agency in the State to (1) adopt the Police Training Commission's (PTC) Eyewitness Identification Model Policy of 2012 or adopt and implement a written policy relating to "identification procedures" that complies with specified requirements and (2) file a copy of the written policy with the Department of State Police (DSP). DSP must compile the written policies by February 1, 2015, and allow public inspection of each policy. The bill applies prospectively only.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Eyewitness Identification - Procedures*– Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014.

Maryland General Assembly. 26 March 2014. Available at:
http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0860.pdf)

SB 413 - Vehicle Laws - Race-Based Traffic Stops - Policy and Reporting Requirements

This bill restores the data collection and reporting program related to race-based traffic stops for a five-year period. Each law enforcement agency in the State must collect specified data on all traffic stops.

The bill takes effect June 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Vehicle Laws - Race-Based Traffic Stops - Policy and Reporting Requirements* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 7 April 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0003/sb0413.pdf)

SB 482 - Public Safety - Law Enforcement Officers - Body-Worn Digital Recording Device and Electronic Control Device

This emergency bill requires the Police Training Commission (PTC), by January 1, 2016, to develop and publish online a policy for the issuance and use of a body-worn camera (BWC) by a law enforcement officer that addresses specified issues and procedures. The bill makes it lawful for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a "body-worn digital recording device" or an "electronic control device" capable of recording video and oral communications under specified circumstances. The bill also establishes a Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers to study and make recommendations to PTC and the General Assembly, by October 1, 2015, regarding the best practices for the use of body cameras by a law enforcement officer. The bill specifies the membership and duties of the commission, which must be staffed by the Governor's Office of Crime Control and Prevention (GOCCP) and the Department of State Police (DSP). The bill does not mandate the use of body-worn digital recording devices or electronic control devices by law enforcement agencies or law enforcement officers while on duty.

The bill takes effect upon enactment.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Law Enforcement Officers - Body-Worn Digital Recording Device and Electronic Control Device* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 13 April 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0002/sb0482.pdf)

HB 533 - Public Safety - Law Enforcement Officers - Body-Worn Digital Recording Device and Electronic Control Device

This bill makes it lawful for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a "body-worn digital recording device" or an "electronic control device" capable of recording video and oral communications if (1) the officer is in uniform, prominently displaying the officer's badge or other insignia; (2) the officer is conforming to standards for the use of either type of device capable of recording video and oral communications established by the Police Training Commission (PTC) or the Department of State Police (DSP); (3) the officer is a party to the oral communication; (4) the officer, if reasonable under the circumstances, has been identified as a law enforcement officer to the other parties to the oral communication before the oral interception; and (5) the oral interception is being made as part of a videotape or digital recording.

The bill takes effect upon enactment.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Law Enforcement Officers - Body-Worn Digital Recording Device and Electronic Control Device* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 24 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0003/hb0533.pdf)

Bills Affecting Operations

SB 582/HB 909 - Pilot Program for Small Business Development by Ex-Offenders

This bill requires the Department of Labor, Licensing, and Regulation (DLLR), in consultation with the Department of Public Safety and Correctional Services (DPSCS) and the Maryland Small Business Development Financing Authority (MSBDF), to establish a pilot program for small business development by ex-offenders, subject to the availability of funds. The program is to assist individuals exiting the correctional system by providing training in how to establish small businesses and funding to establish small businesses. DLLR must report to the General Assembly by December 31, 2020, on the effectiveness of the pilot program.

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Pilot Program for Small Business Development by Ex-Offenders* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 26 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0002/sb0582.pdf)

SB 602 - Justice Reinvestment Coordinating Council

This emergency bill establishes the Justice Reinvestment Coordinating Council (JRCC) in the Governor's Office of Crime Control and Prevention (GOCCP). The bill delineates the membership of JRCC and requires the chair of the council to be the Executive Director of GOCCP. A member of JRCC may not receive compensation, but is entitled to reimbursement for expenses. GOCCP must provide staff for JRCC. JRCC must (1) using a data-driven approach, develop a statewide framework of sentencing and corrections policies to further reduce the State's incarcerated population, reduce spending on corrections, and reinvest in strategies to increase public safety and reduce recidivism and (2) request technical assistance from the Council of State Governments (CSG) Justice Center and the Public Safety Performance Project of the Pew Center on the States to develop the policy framework. JRCC also must convene an advisory stakeholder group, as specified, and conduct roundtable discussion forums for public input from all geographic regions of the State. JRCC must report its findings and recommendations to the Governor and General Assembly by December 31, 2015. The bill terminates December 31, 2018.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *SB 602 - Justice Reinvestment Coordinating Council* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015.

Maryland General Assembly. 23 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0002/sb0602.pdf)

SB 498/HB 462 - Public Safety - Statewide Accounting of Sexual Assault Evidence Kits

This bill requires a law enforcement agency or other State or local agency charged with the maintenance, storage, and preservation of sexual assault kit evidence to conduct an inventory of all kits that are stored by the agency by January 1, 2016. The agency must also prepare a written report by March 1, 2016, containing the number of untested sexual assault collection kits in the possession of the agency and the date the sexual assault kit evidence was collected; the report must be submitted to the Office of the Attorney General (OAG). By December 1, 2016, OAG must prepare and transmit a report to the General Assembly detailing (1) the number of untested sexual assault collection kits stored by each agency; (2) the date that each untested sexual assault collection kit was collected; and (3) recommendations for addressing any backlog of untested sexual assault collection kits.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Statewide Accounting of Sexual Assault Evidence Kits* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 20 February 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0008/sb0498.pdf)

SB 172/HB 618 - Juveniles - Transfer Determinations - Confinement in Juvenile Facilities

This bill alters the authority of the court to determine whether a child may be held in a secure juvenile facility pending a reverse waiver determination by requiring, rather than authorizing, a court exercising criminal jurisdiction or the District Court, at a bail review or preliminary hearing involving such a child, to order the child held at a juvenile facility unless (1) the child is released on bail, recognizance, or on other conditions of pretrial release; (2) there is not available capacity in a secure juvenile facility, as determined by the Department of Juvenile Services (DJS); or (3) the court finds by clear and convincing evidence that detention in a secure juvenile facility would pose a substantial risk of harm to the child or others, and states the reasons for the finding on the record.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Juveniles - Transfer Determinations - Confinement in Juvenile Facilities* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 25 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0008/hb0618.pdf)

SB 576/HB 1080 - 9-1-1 Emergency Telephone System - Multiple-Line Telephone Systems - Direct Dial (Kari's Law)

This bill requires that, by December 31, 2017, a person that installs or operates a “multiple-line telephone system” ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the

public safety answering point without requiring the user to dial any other number or set of numbers. Executive Branch units are exempt from compliance until the date of the next upgrade of the unit's multiple-line telephone system.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *9-1-1 Emergency Telephone System - Multiple-Line Telephone Systems - Direct Dial (Kari's Law)* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 31 March 2015. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0006/sb0576.pdf)

HB 1110 – Law Enforcement - Special Police Officers

This departmental bill makes several changes to provisions relating to the appointment of special police officers in the State, including procedures for the suspension or termination of a special police officer commission.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Law Enforcement - Special Police Officers* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 16 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0000/hb1110.pdf)

HB 382 – Sexual Assault Survivors' Right to Know Act

This bill requires a health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault to provide the victim with contact information for the investigating law enforcement agency that the victim may contact about the status and results of the kit analysis. An investigating law enforcement agency that receives a sexual assault evidence collection kit, within 30 days after a request by the victim from whom the evidence was collected, must provide the victim with (1) information about the status of the kit analysis and (2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Sexual Assault Survivors' Right to Know Act* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 20 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0002/hb0382.pdf)

HB 542 – Vehicle Laws - Single Registration Plate - Class L (Historic) Vehicles

This bill requires the Motor Vehicle Administration (MVA) to issue a single registration plate to Class L (historic) vehicles manufactured at least 60 years prior to the current model year (and registered as such).

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Vehicle Laws - Single Registration Plate - Class L (Historic) Vehicles* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 26 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0004/hb0524.pdf)

Criminal Law Bills

SB 427/HB 501 - Criminal Procedure - Victims of Crime - Notification Regarding DNA Profile

This bill requires an investigating law enforcement agency, upon written request, to give the victim of the crime, or the victim's representative, timely notice as to (1) whether an evidentiary DNA profile was obtained from evidence in the case; (2) when any evidentiary DNA profile was entered into the DNA database system; and (3) when any confirmed match of the DNA profile, official DNA case report, or DNA hit report is received. That requirement does not apply when to do so would impede or compromise an ongoing investigation or when the victim's representative is a suspect or a person of interest in the criminal investigation of the crime involving the victim. The bill also requires the State Board of Victim Services to develop pamphlets to notify victims and their representatives about how to request information regarding an unsolved case.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Victims of Crime - Notification Regarding DNA Profile* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 13 April 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0007/sb0427.pdf)

SB 654/HB 1009 - Criminal Procedure - Immunity - Alcohol- or Drug-Related Medical Emergencies

This bill expands and clarifies the statutory immunity concerning the seeking or providing of assistance for a medical emergency after ingesting or using alcohol or drugs.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Immunity - Alcohol- or Drug-Related Medical Emergencies* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 27 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0004/sb0654.pdf)

SB 705/HB 236 - Criminal Law - Assault - First Responders

This bill expands provisions prohibiting felony second-degree assault to include the intentional causing of physical injury to another person by a person who knows or has reason to know that the victim is a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Assault - First Responders* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 13 February 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0005/sb0705.pdf)

SB 698/HB 1161 – Criminal Procedure - Electronic Device Location Information - Order

This bill authorizes a court to issue an order authorizing or directing a law enforcement officer to obtain “location information” from an “electronic device.” “Location information” means real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device. The bill (1) establishes requirements for an application for a location information order; (2) requires disclosure of specified information to a user/owner; and (3) requires courts and the Administrative Office of the Courts (AOC) to submit specified information on an annual basis.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Electronic Device Location Information - Order* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 1 April 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0698.pdf)

SB 67 - Crime of Violence - Home Invasion

This bill adds felony home invasion to the definition of a “crime of violence” under §§ 4-401 and 14-101 of the Criminal Law Article and § 5-101 of the Public Safety Article.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Crime of Violence - Home Invasion* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 1 April 2014. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0007/sb0067.pdf)

Other Notable Bills

HB 1244 - Education and Workforce Training Coordinating Council for Correctional Institutions - Name Change

This departmental bill changes the name of the Education and Workforce Training Coordinating Council for Correctional Institutions to the Correctional Education Council.

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Education and Workforce Training Coordinating Council for Correctional Institutions - Name Change* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 17 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0004/hb1244.pdf)

SB 174/HB 1262 - Behavioral Health Administration - Behavioral Health Advisory Council

This bill repeals and replaces the Maryland Advisory Council on Mental Hygiene and the State Drug and Alcohol Abuse Council with the Behavioral Health Advisory Council in the Office of the Governor. The new advisory council is tasked with promoting and advocating for the enhancement of behavioral health services across the State for individuals who have behavioral health disorders and their family members. The council must submit an annual report to the Governor and the General Assembly on or before December 31 of each year. The Behavioral Health Administration (BHA) within the Department of Health and Mental Hygiene (DHMH) must provide one full-time project manager for administrative coordination and other staff as necessary to support council functions. The bill also establishes the Behavioral Health Advisory Council as the State council to which county mental health advisory committees and intercounty mental health advisory committees must send annual reports, and as the State council that the Secretary of Health and Mental Hygiene must consult before initiating the development of core service agencies for the planning, management, and financing of mental health services.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *SB 174 - Behavioral Health Administration - Behavioral Health Advisory Council* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 20 March 2015. Available at: http://mgaleg.maryland.gov/2015RS/fnotes/bil_0004/sb0174.pdf)

SB 340/HB 980 - Election Law - Voting Rights - Ex-Felons

This bill limits the disqualification of a person from registering to vote for a felony conviction to the period when the individual is serving a court-ordered sentence of imprisonment for the conviction (eliminating the inclusion of any term of parole or probation).

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Election Law - Voting Rights - Ex-Felons – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 24 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0000/sb0340.pdf)

SB 561/HB 549 - Video Lottery Facility Payouts - Intercepts for Restitution Payments

This bill extends the application of the overdue restitution intercept program to specified video lottery facility prize payouts. The bill's provisions do not apply to a prize won at a video lottery facility on or before June 1, 2016.

The bill takes effect October 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Video Lottery Facility Payouts - Intercepts for Restitution Payments – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 1 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0001/sb0561.pdf)

HB 978 - HIV Testing - Informed Consent and Pretest Requirements – Modification

This bill amends the requirements for obtaining informed consent from an individual before testing for the human immunodeficiency virus (HIV) and switches consent procedures from “opt-in” to “opt-out” testing. The bill also amends pretest counseling procedures.

The bill takes effect July 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *HIV Testing - Informed Consent and Pretest Requirements – Modification – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 30 March 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0008/hb0978.pdf)

HB 67/SB 220 - General Assembly - Mandated Reports by State Agencies

This bill repeals specified reporting requirements by Executive Branch agencies that are obsolete, duplicative, or unnecessary. It also consolidates, reschedules, and clarifies specified reporting requirements for the purposes of efficiency and practicality and makes technical and stylistic changes to conform to other changes made in the bill. Finally, it requires the Department of Legislative Services (DLS) to conduct quadrennial reviews of statutory reporting requirements and make recommendations to the General Assembly to repeal or modify existing reporting requirements.

The bill takes effect June 1, 2015.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Mandated Reports by State Agencies – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2015. Maryland General Assembly. 2 February 2015. Available at:

http://mgaleg.maryland.gov/2015RS/fnotes/bil_0007/hb0067.pdf)

FY 2016 Joint Chairmen's Report Language

M00Q Medical Care Programs Administration Department of Health and Mental Hygiene

Fiscal 2015 Deficiency

M00Q01.03 Medical Care Provider Reimbursements

Add the following language:

, provided that the Governor is authorized to transfer by budget amendment up to \$10,000,000 of this appropriation to the Department of Public Safety and Correctional Services to provide funds for overtime, utility costs and other operational expenses and up to \$1,000,000 of this appropriation to the Department of State Police to provide funds for overtime and other operational expenses.

Explanation: The language authorizes the Governor to transfer fiscal 2015 deficiency funding from Medicaid to the Departments of Public safety and Correctional Services and State Police to cover anticipated deficiencies in those agencies. The funding is available based on revised expectations of deficiency needs in Medicaid.

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Reduce deficiency need based on most recent estimate of fiscal 2015 overall Medicaid expenditures.	20,000,000	GF
Total Reductions	20,000,000	0.00

Joint Chairmen's Report – Operating Budget, April 2015 p. 78 Available at:
<http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2015rs-budget-docs-jcr.pdf>

Q00
Department of Public Safety and Correctional Services

Budget Amendments

Add the following language to the general fund appropriation:

Provided that 50 General Fund positions shall be abolished as of July 1, 2015.

Explanation: This action deletes 50 positions within the Department of Public Safety and Correctional Services as of July 1, 2015. The department currently has well over the necessary number of vacancies needed to meet fiscal 2016 turnover. This action will better align actual vacant positions with the department's turnover requirements. The language only abolishes the positions. The funding for the positions remains in the budget for use toward fulfilling cost containment reductions.

Committee Narrative

Report on Actions to Improve Public Safety and Security in State Correctional Facilities:

The budget committees are concerned about the status of implementation of nonstatutory recommendations proffered by the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities intended to address concerns with staffing, security evaluations, and how best to control the entrance of contraband into correctional facilities. The committees, therefore, request that the Department of Public Safety and Correctional Services (DPSCS) submit a report to the committees that provides:

- a schedule for achieving American Correctional Association accreditation at all State facilities, as well as the department's progress in regard to that schedule;
- a schedule for increasing in-service training for correctional officers at all State facilities, as well as the department's progress in regard to that schedule;
- the status of fully staffing and operating the Polygraph Unit, as well as data indicating the number of polygraph tests conducted; and
- a summary of standards modifications adopted by the Maryland Commission on Correctional Standards following the enactment of Chapters 142 and 143 of 2014.

Information Request	Author	Due Date
Actions to improve public safety and security in State correctional facilities	DPSCS	December 1, 2015

Joint Chairmen's Report – Operating Budget, April 2015 p. 93 Available at:
<http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2015rs-budget-docs-jcr.pdf>

**Q00Q
Operations
Department of Public Safety and Correctional Services**

Q00S02.09 Dorsey Run Correctional Facility

Add the following language:

, provided that no funds within this budget may be expended for operations at Dorsey Run Correctional Facility (DRCF) Phase II until a report outlining a department facility plan is submitted to the budget committees. The report shall contain future uses, including plans for renovation, demolition, or upgrade, as well as anticipated changes in the future operating cost, of DRCF, Brockbridge Correctional Facility, the Jail Industries building, and any other facilities affected by the opening of DRCF Phase II. Upon receipt, the budget committees shall have 45 days to review and comment.

Explanation: The department has not yet identified a plan for staffing, populating, or operating DRCF Phase II, which is scheduled to become operational at the end of fiscal 2016. The language restricts the use of funds for DRCF Phase II until a report outlining a facility plan is submitted to the budget committees. The submitted report should specifically address the future uses, including plans for renovation, demolition, or upgrade, as well as anticipated changes in the future operating cost, of DRCF, Brockbridge Correctional Facility, the Jail Industries building, and any other facilities affected by the opening of DRCF Phase II.

Information Request	Author	Due Date
Department facility plan	DPSCS	45 days prior to release of Funds

Post-by-post Staffing Analysis: Providing proper staffing can have an impact on the amount of overtime used by the custodial agencies. The budget committees are concerned that over the past decade, the department has increased its use of temporary posts filled with overtime in order to implement policies designed to improve safety and security in the facilities. After careful review, it appears that the majority of these temporary posts should actually be permanent positions. Conducting regular staffing assessments should assist the department and the General Assembly in monitoring the staffing and overtime situation in the State's correctional and detention facilities. The committees, therefore, request that the Department of Public Safety and Correctional Services (DPSCS) conduct a bi-annual post-by-post security staffing analysis and submit a summary report to the budget committees no later than December 1, 2015, explaining the need for any increases in staffing.

Information Request	Author	Due Date
Post-by-post staffing analysis	DPSCS	December 1, 2015

Joint Chairmen's Report – Operating Budget, April 2015 p. 94 Available at:
<http://mgaleg.maryland.gov/Pubs/BudgetFiscal/2015rs-budget-docs-jcr.pdf>